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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,443	04/17/2001	Yoshinobu Shiraiwa	35.C15299	5474

5514 7590 10/17/2002

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EXAMINER

COLILLA, DANIEL JAMES

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 10/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/835,443

Applicant(s)

SHIRAIWA, YOSHINOBU

Examiner

Dan Colilla

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-- **Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --**
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2001 and 15 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Objections

1. Claim 13 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Applicant has not recited any structure in claim 13, instead applicant has recited functional language of how the previously recited structure is to be used. Since the claim is an apparatus claim, the claim must be limited by reciting further structural limitations. See MPEP § 2114.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Flynn et al.

With respect to claims 1-2, Flynn et al. discloses a printing paper (Flynn et al., col. 6, lines 38-46) comprising a center portion 20, curved portions of 20 which are shown in Figure 1

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of Flynn et al.; the curved portions being near reference numerals 44, 52, 20 and at the bottom edge symmetrical to the location of numeral 20. Adjacent sides of the remaining portions 21 are located adjacent these curved edges. The remaining portions 21 are the outside portions, and at least one straight line (locations that reference numeral 20 points to in Figure 1 of Flynn et al.) connects the outer portions 21 to the inner portion 20. A structure, such as perforations, connects the printing paper portions (col. 6, lines 47-65).

With respect to claim 3, the perforations are provided at both sides of the center portion 20 as shown in Figure 1 of Flynn et al.

With respect to claim 4, the curved edges are arcs as shown in Figure 1 of Flynn et al.

4. Claims 5 and 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Popat et al.

With respect to claim 5, Popat et al. discloses a card stock with an image receiving portion and a lamina (or supporting layer) adhered to the top surface of the card (Popat et al., col. 6, lines 42-50). As shown in Figure 9 of Popat et al., the card stock has a center portion 235 with curved edges connecting to the outer portion 224 at four corners. The outer portions are also connected to the center portion 235 with straight perforated lines at which the card stock can be cut. The card stock can be considered a label since it has adhesive that can be adhered to another surface.

With respect to claim 7, the perforation 242 is on both sides of the center portion 235.

With respect to claim 8, the curved edge is in arc form as shown in Figure 9 of Popat et al.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Popat et al. as applied to claims 5 and 7-8 above, and further in view of Burke.

Popat et al. discloses the claimed label printing paper as mentioned in the above 102 prior art rejection except that it is not known to the examiner if the supporting layer includes a structure in the form of a perforation. However, Burke discloses a label assembly 10 with an information receiving sheet 15 and a supporting sheet 11 which are both perforated along lines 17. It would have been obvious to combine the teaching of Burke with the printing paper disclosed by Popat et al. for the advantage of being able to easily separate entire label sections apart from one another without removing the supporting sheet and exposing the adhesive.

7. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Popat et al. as applied to claims 5 and 7-8 above, and further in view of Goto.

With respect to claims 9-10, Popat et al. discloses printing on the center portion 235 (Popat et al., col. 6, lines 49-50), and the card stock may be sent through a printer such as the one shown in Figure 2 of Popat et al. Further disclosed is the step of detaching the center portion 235 along the lines of perforation (Popat et al., col. 6, lines 50-52). It is not known to the

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examiner if the printer disclosed by Popat et al. has structure for holding the outside portions of the printing paper. However, Goto teaches a printer which includes a conveyor roller pair 9 and a print head 12. As shown in Figure 2 of Goto, the roller pair holds the outside edges of the print media 2. It would have been obvious to use the teaching of Goto with the printing paper disclosed by Flynn et al. for the advantage of the guide member 18 which prevents damage to the recording media and prevents jamming of the recording media in the printer (Goto, col. 1, lines 65-67 and col. 2, lines 1-3).

8. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn et al. in view of Goto.

With respect to claim 11, Flynn et al. discloses the claimed printing paper as mentioned above in the 102 prior art rejection of claim 1 and Flynn et al. further discloses that the paper may be printed by a thermal transfer printer (Flynn et al., col. 6, lines 38-46). It is not known to the examiner if Flynn et al. discloses a pair of conveyor rollers. However, Goto teaches a printer which includes a conveyor roller pair 9 and a print head 12. As shown in Figure 2 of Goto, the roller pair holds the outside edges of the print media 2. It would have been obvious to use the teaching of Goto with the printing paper disclosed by Flynn et al. for the advantage of the guide member 18 which prevents damage to the recording media and prevents jamming of the recording media in the printer (Goto, col. 1, lines 65-67 and col. 2, lines 1-3).

With respect to claims 12-13, the print head 12 is a thermal head and it can be of the type which uses color ink sheets (Goto, col. 7, lines 62-66).


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9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tezuka et al. and Do et al. are cited to show other examples of labels with curved, perforated edges

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Colilla whose telephone number is (703) 308-2259. The examiner can normally be reached M-F, 8:30-5:30. Faxes regarding this application can be sent to (703) 746-4405.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached at (703)305-6619. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

October 11, 2002


Dan Colilla
Primary Examiner
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